The Oregon State Board

of

Forestry

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The structure of state government in Oregon is generally described as a "boards and commissions" form. Major Departments of state government are directed and managed by Boards and Commissions, the members of which are appointed by the Governor. They in turn name the Chief administrator of the Department. In recent times, most members of Boards and Commissions are subject to Senate confirmation.

Of Oregon's several hundred Boards and Commissions, the State Board of Forestry is the Senior Board. While the record shows a State Fish Commission first established in 1887 and consisting of the Governor, the Secretary of State, and a "Fish Commissioner", the Commission was more in name than in fact, and metamorphised into a "State Board of Fish and Game Commissioners" in 1911. In 1921 this Board became two Commissions, one for fish and one for game. Finally in 1975 the two were joined into the present Department of Fish and Wildlife, with one Commission. Only one Board, the State Board of Forestry, continues essentially in its same context as first set forth in 1907, thereby pre-dating all others.

George Chamberlain was Governor of Oregon when the Legislative Session enacted Senate Bill 207, which became Chapter 131, Oregon Laws 1907. The Bill named the Governor as Chairman of a "State Board of Forestry", created by Section 1 of the Act. The Board was to consist of the Governor, the Secretary of State (then Frank Benson who later became Governor), and the "...State Forest, Fish and Game Warden..." then L. B. Quimby. Also on the Board was "...the member of the Oregon Agricultural College who has charge of its forest work...". Three additional electors of the Board were to come from persons recommended by the Lumber Manufacturer's Association of Oregon, the Oregon Forest Association, and the United States Forest Service. The law directed that "...each was to name and select one of such electors...". The Board was directed to meet at any convenient place in the state, and was further directed "...to investigate forest conditions in the state, and report thereon to the next legislature, with recommendations for any further advisable legislation, for forest management and protection...". The Board was to "...appoint state fire wardens who shall serve without compensation".

The state seemed to have little money to spend, then as now, and much less for a newly created department in state government. The legislature appropriated the munificent sum of $500 to the Board for the two years of 1907 and 1908, the money to pay the expenses of the Board. Little was done.

Some attention was paid by the 1909 Legislature to forestry, although not of substance. The Session did create a new "...State Game and Forestry Warden", to be appointed by the Governor. The law provided however that the person now holding office (was) to continue, (L.H.Quimby), he would be paid $800 a year, and could appoint a Deputy Game and Forest Warden at $2.50 per day. With but little pay and little help, nonetheless he was charged by the law with the responsibility "...to enforce the laws of the state of Oregon for the protection of trout, game fish, game birds, game, wild fowl, song birds, and forests". That was about as neat an amalgm of natural resources and resource issues of the state as one might find, and apparently reflected the concerns of the times. Historical records point rather clearly to the fact that the major concern was fish.

In 1911, the Legislature fashioned House Bill 50, which was enacted as Chapter 278, Oregon laws 1911, and which became the basis for the modern State Board of Forestry. The Bill structured a Board consisting of "...the Governor, the acting head of the Forest School of Oregon Agricultural College", and five electors. One each was to be selected from and named by the Oregon State Grange, the Oregon Forest Fire Association, the Oregon and Washington Lumber Manufacturer's Association, the United States Forest Service, and the Oregon Wool Growers Associaton. The Board would receive no compensation, nor any personal expenses, but the expenses of the Board were to be paid. This presumably would cover costs of stationery, office maintenace, etc.

A significant part of HB 50 however, was the direction that the Board "...shall appoint a State Forester, with pay not to exceed $3,000 per annum". A Deputy was also authorized at a salary of $1800. The State Forester was given the authority to appoint fire wardens and would serve as Secretary of the Board, a condition which continues to this day. The Bill appropriated "...$60,000 or as much thereof as may be necessary..." for the expenses of the Board, and the State Forester. Governor Oswald West became Chairman.

A man whose name is one of the most familiar in the history of forestry in Oregon, George W. Peavy, came on the Board as "...the acting head of the Forest School of Oregon Agricultural College". Dean Peavy served on the Board continuously from 1911 to 1941, and the present College of Forestry at Oregon State University is housed in well-known 'Peavy Hall'.

Following the direction of the 1911 law, the Board names its first State Forester, Francis Elliott. He set a pattern of top management in forestry in Oregon followed by succeeding state foresters, with lasting contributions to forestry. He is the forester who fashioned the concept of a state forest, and for whom the well-known Elliott State Forest in Coos and Douglas Douglas counties is named.

Elliott actually sat down in 1912 with Governor West to convince the Governor to establish a state forest with what lands still remained from the 3.5 million acres given to Oregon upon statehood. Oregon sold about 98% of these so-called school lands, but had 70,000 acres yet to claim in 1912. Elliott and Governor West decided it would be wise to block up the lands by exchanges. It was done, and with additional acreages added in later years, the Elliott State Forest is now some 92,000 acres, all revenues dedicated to the Common School fund. Elliott did not live to see the final actions, which came in 1930. He served as State Forester until 1921, and died in the late 1920's.

The initial members of this Board of Forestry, in addition to Governor West, State Forester Elliott, and Dean Peavy included A. T. Buxton representing the Oregon State Grange: George H. Cecil from the United States Forest Service: L. S. Hill chosen by the Oregon and Washington Lumber Manufacturer's Association, Dan P. Smythe from the Oregon Wool Growers Association, and A. P. Sprague, named by the Oregon Forest Fire Association.

The 1911 legislative action in HB 50 was characterized by one event, probably unique in legislative history. It came about this way. Gifford Pinchot, first chief of the United States Forest Service, as early as 1907 had urged states to establish "Boards of Forestry". It was from this urging that Oregon took up the idea. Pinchot's concept was a 'Board' which would consist of forest users.

But since the concept was from the Forest Service and no others really had a full grasp of the idea, only those in the Service apparently could adequately promote the proposal. Thus is was that in 1911, when discussion was underway on the floor of the House on HB 50, the Supervisor of the Umpqua National Forest, a Mr. Smith Bartrum came on the floor to lead the argument in favor of the bill and a Board. It was probably the only time in the history of the Oregon legislature that argument on a bill was carried on the floor by a person not a member of the body. The argument that dominated the scene was that such a group as proposed would keep 'politics' out of management of forests in Oregon. Smith Bartrum served as Supervisor of the Umpqua from its inception in 1908 until his retirement in 1920. The record seems to establish consistently and clearly that keeping 'politics' out of Oregon forest management by the state has been faithfully followed.

By the spring of 1913, when the next Legislature met, the Board of Forestry was busy blocking up, by exchange, forest lands. The lands, as in the proposed Elliott State Forest, would support public schools, and could be managed best by forming the forests into blocks as large as possible. The concept was adopted by both the state and the Federal Service. The legislature was also aware of this, and in Chapter 124 Oregon laws 1913, declared that the first State Forest would be the "Santiam State Forest", and it would indeed be dedicated to benefit the common school fund. The Board of Forestry, however, was to let "...the State School of Forestry" have use of the lands to afford its students practical forestry experience", and for the Board to use the "State School of Forestry" for its technical facilities in administration of the new forest. The "School of Forestry" was undoubtedly the school at Oregon Agricultural College, but was not so named in the law.

The 1915 Legislature took a major action in Chapter 294, Oregon laws 1915, upping the appropriation to the Board to $60,000 for the biennium, and for the first time designating a "Department of Forestry". The Department would consist of a "State Forester, his deputy, 4 inspectors, a bookkeeper, an office assistant„ and 3 stenographers". The appropriation would cover all expenses of the Board and the Department.

The State Forester with his staff under the 1915 law was to supervise wardens, and the appropriation was to cover costs of "...fire fighting, and expenses of fire patrol". It appears obvious that in those days, not only were the expenses and salaries lower than today, and the dollar accomplishing much more, but the extent of work and effort of the Department and Board significantly less than today.

The 1917 Legislative Session cut back the appropriation to the Board for one of the few times, and by Chapter 312 of Oregon laws 1917 set $54,000 for the biennium. The amount continued as a biennium appropriation until 1921.

It is an aside, but of some more than idle comment, to note that in 1919, even as today, the Legislature felt tourism was an important industry, even approximately equal to forestry, at least as measured by appropriations. The 1919 Session, in Chapter 218, continued the $54,000 to Forestry, but also included $50,000 for the "...Pacific Northwest Tourist Association". The Associaiton included Oregon, Washington, and British Columbia. The law provided that Oregon's $50,000 would be granted ONLY if Washington appropriated a similar smount, and British Columbia came up with $25,000. Whether all this was accomplished is not known.

Only two persons served on the Board representing the Oregon and Washington Lumber Manufacturer's Association, and both were from Oregon. The two were L. S. Hill of Cottage Grove, and George Gerlinger of Portland. In 1921, the Legislature changed the industry designation to members from the "West Coast Lumbermen'Association" and George Gerlinger continued on the Board in that capacity. The West Coast Lumbermen had a representative on the Board through 1959.

The 1921 Session also raised the salary of the State Forester to $3600, and his deputy to $2500, within a total appropriation of $85,000 to the Board for the biennium.

In 1923, and for the first time apparently, the Legislature reflected a concern about railroad logging and forest fires. Constraints were provided in the law. The fire season had been set by the Legislature as May 1 to October 1, and the new rules applied to all logging. With steam donkey engines in the woods, and steam locomotives all fired by wood, spark problems were critical. The 1923 Session decreed that during

the fire season, each engine would have with it at all times not less than 6 shovels, 6 grub hoes, and 6 water buckets.

All snags higher than 15 feet and within 100 feet of the engine or right-of-way would be felled prior to operations. Each engine of a logging train also would carry 1" hose and a water tank.

Legislative interest in forestry continued to increase. For the first time, the 1925 Session required that the State Forester provide an annual report. The report was to "...the Governor on the progress and condition of state forest work...". The report of course was to his boss, with the Governor the Chairman of the Board. Of historical interest is the action of the 1925 Session which directed and authorized the Board of Forestry, "...to receive lands suitable for forest purposes, for conservation of water and watershed protection, and for public parks and campgrounds". The Board was to manage the lands, sell timber and products from the lands, and place the money into a "State Board of Forestry State Forest Fund".

The plan envisioned as it does today, a system whereby the lands being managed would operate from revenues from the lands. While laws which brought significant acreages to timber management by the state did not come until later, the basis for a Board of Forestry managing forest lands with the best forestry skills was in place with this action.

Prosperity of the 20's seemingly also affected state government, and the appropriation to the Board of Forestry in 1927 was a neat $100,000. It was the first time such a figure had been reached, and it was not to be duplicated for ten years, expect for a 1931 appropriation and then only barely and because of two depression-time deficiency appropriations. It is of interest that it was many years before the Legislature apppropriated money to the Department and not solely to the Board. The Legislature in the 1927 Session also permitted the State Forester's salary to move to $4200, and his Deputy to $3,000, but only if the extra money came from the United States Forest Service. The funds were for forest protection work. The 1929 Session moved the Board's appropriation back to $89,900, and most of the reduction was in salaries.

A major step in promoting best-of-the-art forest practicies came in the 1929 Legislative Session, which directed the Board to classify by county, appropriate "reforestation lands". The reason was to separate such lands from regular timber lands. Timber lands were taxed ad valorem as all other property in those days. "Reforestation lands" however were to have a special designation. These lands were "...lands suitable chiefly for forest crop production, and where forest crops were not mature in merchantable quantities". The purpose obviously was to protect the growing forest, to reduce the tax burden, and to keep the forest land base. If any harvest was done on "reforestation lands", it could be done only with a permit from the Board, and the value of any product removed was subject to a 12.5% yield tax.

One of the most politically controversial actions imvolving Oregon forests, and an action which is attributed by many to the defeat of a sitting Governor, came into law in Chapter 346, Oregon laws 1931. This Act gave to the Governor the authority to close forests to hunting if he found conditions contrary to the 'public health and safety' of the citizens, and the best interest of the lands. He was to open the lands to hunting when he found conditions "...not to be detrimental to the public health and safety of the citizens of Oregon". The law continued for nearly 40 years. The uncertainty of opening following closure by Governor Bob Holmes in 1958 has been viewed by many as a principal reason for his defeat. He was unseated, of course, by Mark Hatfield. Hatfield was the last Governor to serve as Chairman of the Board of Forestry, a position he held for just one year. He was succeeded by Rex Hartley, Marion County Judge, who was the only County official on the Board to serve as its chairman.

The 1931 Law also provided and for the first time, that county courts might turn over to the state, forest lands which had been foreclosed for taxes. Not much happened and there were no transfers, but the concept was established. The law provided three means by which the state might acquire such lands: gifts, purchases, and/or transfers from a county. The law stipulated no more than 100,000 acres would be so acquired, and not more than 15,000 from any one county. The lands could not be sold by the Board, and no lands would be purchased without specific authorization and appropriation by the Legislature.

If lands were acquired from a county, the county would receive 5¢/acre plus 12½% of all revenue produced from the lands. Money received by a county would be divided among the taxing districts where the lands were situated (a provision identical to that of today), and all remaining revenues would go to the irreducible school fund. No money was dedicated to the Board from the lands, to pay the costs of the Board's management, and that may well explain why no lands were transferred.

Apparently some significant debates erupted over whether or not lands were "timberlands" and therefore subject to regular ad valorem taxation, or "reforestation lands" and available to receive preferential treatment. Chapter 222 Oregon laws 1931 set forth that in the case of argument, the county court would settle the issue. And if a county court wanted to transfer lands to the state, this could be done only after the court had held the lands for more than one year. In those days every county had a county court, consisting of a County Judge, and county commissioners. It was not until WWII days that county government could consist of a county commission with commissioners, and no county judge. The first county to make the change was Multnomah.

The 1935 Legislature took action in at least three areas of major importance to forestry. By SJM 20, the Legislature urged Congress to make "in lieu of tax payments" to counties where national timberland was situated. The reason simply was that national forest lands were being blocked up, the result of which was to remove much local timberland from local property tax bases. The Senate Joint Memorial was the first action by Oregon along these lines, although the state remained in the forefront on the issue. The national move to secure "payments in lieu of taxes" to counties for federal lands resulted in passage of PL 94-565, established by Congress in 1976, and providing for annual payments to counties.

The second of the 1935 actions dealt with the CCC, the famed Civilian Conservation Corps, one of the most dramatic, popular, and productive of the depression time actions of the Roosevelt administration. Chapter 284 of Oregon laws 1935 provided that the state would recognize the good work of the CCC's and when that work was determined to be of benefit to Oregon, the state would pay. The determination was by the Board of Forestry. The pay was not all that much --$1 per man per day, with a maximum of $3 to be paid for work on any one acre.

The total appropriation was $20,000 which in those depression days was a large sum. Evidence of the work of the CCC's in Oregon can still be found today.

Chapter 268 of Oregon laws 1935 was the third major action. It set up the system for transfer of forest lands to the Federal forest system. The "Oregon Board of Forest Conservation" was established as it is today. The Governor, the State Forester, the Chairman of the State Tax Commission (now the Department of Revenue), and two from county government made up the Board. County officials were to be from counties with not less than 400,000 acres of forest lands. The law directed that not only must the Board of Forest Conservation approve any transfers of land, but the county court of the county involved must also approve.

Aside from a change in the designation of an industry organization represented on the Board by action in 1921 as previously noted, the first major change in the composition of the Board of Forestry since its inception in 1911, came in the 1937 Session. Chapter 381 of Oregon laws 1937 increased the Board to nine members, seven to be selected by forest users. The Governor would continue as chairman, and the 'acting head of the Forest School of the Oregon Agricultural College ' would remain on the Board. 7 electors were to be designated, one each from the Oregon State Grange, the Oregon Forest Fire Association, the West Coast Lumbermen's Association, and for the first time a member of the Western Pine Association. That first member was J. D. "Junior" Daggett, general manager of the Alexander-Yawkey Lumber Company of Prineville. The only other Board member to represent Western Pine was Freeman Schlutz of Bend, general manager of Brooks-Scanlon Lumber Company. Others on the expanded Board included the United States Forest Service, and the Oregon Wool Growers Association. A new member came from two agriculture groups; the Western Oregon Livestock Association, and the Oregon Cattle and Horse Raiser's Association. This latter group is now known as the Oregon Cattlemen's Association.

The 1937 law also made possible, but permissibly, the establishment of county forest lands classification committees. Land in each county was to be classed as land for timber production, for grazing, or for agriculture. The Board's budget was upped to $182,000, and some of the increase was marked to continue CCC costs, and costs of maintenance of improvements contributed by the CCC's.

The law continued to permit the State Forester and his Deputy to earn money in excess of the state salaries, so long as it came from the United States Forest Service. The Forest Service apparently was contributing about $600 a year to the State Forester, and $500 to his Deputy.

One of the most important actions of the 1939 Legislature came in HB 517, a law which formed the basis for the county-state forest trust lands. Chapter 478 of Oregon laws 1939 provided that the Board of Forestry might acquire lands from counties, lands which were to be chiefly valuable for forest crops, watershed protection, erosion control, grazing, and forest administration". The lands so acquired "...shall be grazed, logged, protected and cared for in accordance with the best grazing and forest management practices....".

All revenues from the lands, either from leasing, or sale of forest products would be distributed under a formula: the Board of Forestry would receive its costs "...for reforestation, protection and administration": and the remaining revenues would go 90% to the county , and 10% to the Board of Forestry. It was the first of the so-called "sharing of revenues" laws, with the "sharing" to be the consideration of an agreement or contract with the counties. The law also permitted counties to establish county forests, and the Board was directed to assist in both the establishment and the management of such forests, and to do so by "agreements: or contracts between the counties and the Board.

Chapter 423 of Oregon laws 1939 provided for a budget of $210,000 for the Board for the biennium, plus an additional $45,000 for the ensuing 6 months. The move was the first to start State Government on a fiscal year separate from a calendar year. The appropriation to the Board ran from January 1, 1939, to June 30, 1941.

Until the 1939 law dealing with county transfer of lands to the state, county courts had only two options in dealing with vast acreages of tax foreclosed lands: county courts could sell the lands, which most did if at all possible to get the lands back on the tax rolls: or to keep the lands, which some did. With the 1939 law, a third option was open--transfer the lands to the state for management.

Counties would receive a portion of the revenues produced from the lands. Six counties kept timberland, some or all of their foreclosed lands, and now maintain profitable county forests. The largest is Hood River county forest with more than 30,000 acres under county management. Many counties sold their lands, kept some, and turned lands over to the state. Under the 1939 law, 8 counties transferred sizeable acreages to the Board of Forestry.

The 1939 law, however, did not bring the large transfers of county lands to the state as had been hoped. Less than 80,000 acres of the nearly two-million acres of county ownership were transferred. The next Legislature, however, took action to spur the transfers. The 1941 law is regarded as the basic law which covers most of the dealings.Chapter 236, Oregon laws 1941 provided that 5¢/acre would go to the state for forest protection from revenues received from the lands, and all remaining revenues would be shared 75% to the counties, 25% to the Board. The same basic 75-25 sharing continues. This same 1941 law provided that of the revenues received by a county, the county would apportion the money to taxing districts"...as if the revenues had come from lands that were sold". The provision further directed that the money would go to taxing districts in which the lands were situated.

All of this language appears in several places in Oregon law. It is found in ORS 530.115 for the county-state forest trust lands, and the language has been very confusing. The provision says that each could receive its share of proceeds from these lands, "...and of the proceeds received, not less than 10% would go to the county for maintenance and administration..."(of the lands). Just what "...not less than 10% means in all situations has not been determined. It has been in at least three legal challenges from school districts, but all were resolved in out-of-court settlements. Most counties, but not all, regularly take 10% off the top of revenues received before any distribution to taxing districts. This 10% (or 25% in some cases) goes to the county for its share for costs, plus the costs of any legal actions, and the costs of assessments from the Council of Forest Trust Land Counties, formed to protect and enhance the county interests in the lands. Remaining revenues are shared with schools, and taxing districts in which the lands are situated.

The 1941 Legislature in Chapter 237 provided the first step in sustained yield forestry (not yet so named) by mandating that east of the Cascades, all ponderosa pine less than 16" DBH (diameter breast high) be left after harvest for reforestation, and west of the Cascades 5% of each quarter section be left unharvested (all to provide seed trees and regeneration).

Of some passing interest: the 1941 Legislature appropriated $50,000 for all of its anticipated expenses for Session costs, a figure somewhat dwarfed by today's costs of a legislative session, with $6.1 million as the estimated costs of the 1985 Session.

Another action of the 1941 Session was important to forestry, although never implemented. Chapter 236 Oregon laws 1941 provided for revenue bonds to be sold by the Board, with the money to acquire additional forest lands. No bonds were sold, and no money from bonds was used to acquire lands. This probably came about because sufficient acreages were flowing into state management from counties, particularly following the devastating Tillamook fires in Washington and Tillamook counties, in 1933 and 1939. (Others fires followed in 1945 and 1951, following the so-called "six-year jinx").

The final Section of Chapter 236, Oregon Laws 1941, Sec. 12, continues to be a matter of contention. Sec. 12 said: "Revenues from lands acquired by the state shall be disposed of as provided by law at the time of acquisition; provided, however, that the county court, or board of county commissions, may be resolution...elect to have revenues disposed of as provided in Sec. 9 of this Act". Sec. 9 as previously noted provided for the 5¢ an acre to the state first from revenues for forest protection, and then the 75-25 split. Critically important was the significant difference between the 1939 law and the 1941 action on how counties would handle the remaining revenues. Under the 1941 law, revenues would be shared with taxing districts where the lands were situated. Under the 1939 law, however, expenses of managing the lands would go to the Board, and the remaining revenues would be split 90% to counties and 10% to the state. The county revenues would go into the county general fund, not shared with schools or taxing districts. Eight counties transferred lands under the 1939 law: five chose to enact the Resolutions which the law provided, and adopted the 1941 formula. Three counties did not pass Resolutions: Douglas, Washington, and Linn. Only small acreages, a few hundred acres, were involved in Douglas and Washington. In Linn, however, most of the lands in that county were transferred under the 1939 law, a total of some 19,000 acres of prime timberland, mostly located in the Mill City/Gates School District (124-J).

Sec. 12, Chapter 236, Oregon laws 1941, was a repeat of Sec. 5, Chapter 478, Oregon laws 1939, and remains in the code today as ORS 530.170. In 1981, the Oregon Attorney General called this situation to the attention of the counties, including Linn, with the result that Linn"s treasurer stopped distributing forest revenues from their 1939 lands until given clear direction as to which sharing formula should be followed.

The Mill City/Gates School District 124-J sued, and won in Circuit court, pleading that the formula for revenue distribution which had been followed all through the years should continue to be used, even though no County Resolution adopting this policy could be found. Schools argued the Resolution must have been adopted. Linn County appealed the Circuit Court decision, and won a reversal in the Court of Appeals. The school district has now appealed on to the Supreme court and that is where the issue remains at this time (1985).

Enter now the COUNTY CONNECTION with the Board of Forestry. County officials, mostly County Judges, had worked closely with the Board of Forestry during all the years of the Board's early organization. County officials were involved by law with classification of forest lands, establishment of classification committees, in the State Board of Forest Conservation, and in other ways. A principal for the counties was Judge Guy Boyington of Clatsop county, for whom a portion of the forest trust lands in Clatsop county were decidated as the 'Guy Boyington State Forest'.

During the 1930's the Board was moving from one to oversee forestry generally, to a Board to be in active management of forest lands. With Charles Sprague in the Governor's chair, and as Chairman of the Board of Forestry, many county officials and others joined with him in a determined effort to keep vast acreages of timberland in the land base for Oregon's most important industry, and to keep the lands in public ownership if at all possible. As such, Governor Sprague continually urged that the timberlands owned by counties through tax foreclosures be turned over to the Board of Forestry for management.

Governor Sprague characterized the relationship between the Board, the counties, and the lands as a "public trust". While relatively few acres moved to state management during the 1939 law, the 1941 action by the Legislature which assured counties of revenue changed the picture. Sustantial acreages were prompted to come under state management.

House Bill 140 of the 1943 Legislative Session was introduced by the House Committee on Forestry January 23, 1943. It had second reading and referral back to the Committee January 25, returned to the House Floor on Feburary 10 with a 'do pass' recommendation, and upon 3rd reading Feburary 12, 1943, was enacted with a unanimous 60 yeas vote.

The bill amended Sec. 107-202 of OCLA (Oregon Compiled Laws Annotated) (changed to ORS-Oregon Revised Statutes following the 1951 Legislature). The bill provided that for the first time a representative on the Board would come from the 'association of Oregon counties'. It is interesting to note that in this law only 'Oregon' was capitalized, the words 'association' and 'counties' were not.

The new membership on the State Board of Forestry would consist of:

The Governor, who continued as chairman;
The acting head of the School of Forestry at Oregon Agricultural College;
And members from the Oregon State Grange, the West Coast Lumbermen's Association, the Oregon wool Growers, the Western Oregon Livestock Association, the Oregon Cattle and Horse Raisers Association, the association of Oregon counties, the Western Pine Association, and the Oregon Forest Fire Association.

HB 140 moved to the Senate on February 12, 1943, had 2nd reading and went to the Senate Committee on Forestry and Forest Products on February 13. The bill returned to the Floor of the Senate February 17, 1943, with a 'do pass' recommendation, and upon 3rd reading February 19, the bill passed with a unanimous vote of 30 yeas.

Speaker of the House in the 1943 Session was William McAllister. The House Committee on Forestry which introduced HB 140 was chaired by Carl Hill of Douglas county, with John Snellstrom of Lane as vice-chairman. Others on the Committee included Anna Ellis of Tillamook; Walter Gearin of Multnomah; J. S. Greenwood of Clackamas; Ralph Moore of Coos; William Niskanen of Deschutes; Howard Turner from Madras who served Crook and Jefferson; and Mandy Wilson who represented Clatsop and Columbia. Seven of the Forest Trust Land counties of today were represented in that House Committee.

W. H. Steiwer of Fossil was President of the Senate in 1943, with H. R. Kaufman as Chairman of the Senate Committee on Forestry and Forest Products. Kaufman represented Lincoln and Tillamook Counties. Other members included Marshall Cornett who represented Klamath, Crook, Jefferson, Deschutes and Lake: Merle Chessman representing Clatsop; Angus Gibson for Linn and Lane: Tom Mahoney from Multnomah: Thomas Parkinson from Douglas; and William Walsh for Coos and Curry. That Senate Committee represented nine of the present Forest Trust Land Counties. It was fortuitous representation in both Houses.

In this first year of County representation on the Board of Forestry, the only revenue moving to counties was revenue to Clatsop county. In FY 1942-43 Clatsop received $40,829. In FY 1943-44 the county received $42,652. Not until FY 1946-47 did other counties begin to share in revenues from the lands they had transferred to the state. Clatsop county has continued to receive more revenues from their trust lands that any other county, obviously because their lands which were turned over had varying stands of merchantable timber which prompted early and continued harvest.

By the end of 1943, a total of 277,795 acres of county forest lands had been turned over to the Board of Forestry for timber management. The largest transfer came in 1943 with a total of 127,411 acres going to the state. By the end of 1950, practically all of the lands in the Forest Trust Land category in 15 counties had been turned over to the Board of Forestry for management and the sharing of revenues. Only small acreages have been involved in transactions since then, with the exception of some 5496 acres transferred to the state from Tillamook county in 1952. The total acreage now stands at 654,000 acres. The largest acreage is in Tillamook county with 308,000 acres; next largest is Clatsop county with 148,000 acres; then Washington county with nearly 50,000 acres, and then Klamath County contributing about 30,000 acres.

Counties have continued to carry representation on the State Board of Forestry since the initial 1943 action. Many county members have been prominent in their participation. One, Judge Rex Hartley of Marion county, served as Chairman for the period 1960-1967 at which time he retired from government. He was the only county official to serve as Chairman of the Board as previously stated. Judge Hartley followed Governor Hatfield as Chairman.

Whether there was some particular issue or action which prompted HB 140 to be introduced in the 1943 Legislature to place a county official on the Board is not apparent in the record. The Bill came in as a Committee bill, and it is presumed to be a logical extension of the agreements which were being made between the state and the counties. It was also appropriate recognition that since counties had the major interest in the lands and their management, the counties should be represented on the Board of Forestry.

This was also a time of major shifting in the timber resource pattern and base in Oregon, and ownership. Up until WWII private timberlands produced the vast bulk of the raw material for Oregon's timber products industry. It was not until after WWII that the National Forests produced even as much as 5% of the annual total harvest from all forest lands in the state.

By 1949, however, the shift was dramatic, and a full 25% of the total Oregon harvest was coming from public forests, and by 1966 at least 50% of the supply was from the National forest lands.Since 1966, many years have seen the national forests supplying even more than half of the total annual harvest. The high point in private forest production came in 1952.

The 1943 Legislation was marked not only by the addition of a county official to the Board,but also by an amendment to Sec. 107-308 of OCLA. This created a Forest Development Fund, a trust fund for payment of any forest development revenue bonds which might be issued. This legislation, however, also changed the distribution of revenues formula, providing for 75% to counties, 25% to the state for all revenues from the forest trust lands. The title to the Bill, inadvertently, made no mention of the formula change. As such, even though enacted by the Legislature, the Law was declared unconstitutional by the Attorney General in his Opinion 21, pages 294 of 1943. The new law did not make it into the code. The result was for the 1945 legislature to re-enact the provisions.

Back in 1941 by an appropriation of $25,000, the legislature approved the establishment of a five-member cooperative research Board at Oregon State College (no longer Oregon Agricultural College). The five member Board was to represent the West Coast Lumbermen's Association, the Western Pine Association, the School of Forestry, the Oregon Plywood Association, and the Pacific Northwest Forest and Range Experiment Station. The Governor would chair the Committee and the State Forester would be its Secretary. In 1945, however, by formal enactment of SB 180 the committee was created as the Forest Research Advisory Committee, still very much a part of Oregon State University, and of the wood products industry. The bill directed the Board of Forestry to cooperate with Oregon State College, and added a new member to the Committee representing the Willamette Valley Lumbermen's Association.

Another major step in the continuing evolution of the Board of Forestry came in Chapter 294, Oregon laws 1947. HB 67 set up for the first time a permit system for harvesting timber in Oregon. Sec. 4 put into law the requirement of reforestation following harvest: not fewer than 300 seedlings per acre, with at least 100 of them well distributed over the ground.

Chapter 544 of Oregon laws of 1947 started another first for the Board of Forestry and the forest products industry. By that law a levy of a tax per thousand board feet of lumber was placed in effect, to support the Forest Products Laboratory at Oregon State College. The initial levy was 5¢/MBF/, with 40% of the funds to be spent for experiments and research on forest rehabilitation, protection and management of forest lands; and 60% to go for research into utilization of waste from harvest, processing and manufacture of forest products. The levy has continued uninterrupted, except for increases. As of 1985 the levy stands at 23¢/MBF.

The 1947 Legislature also took a forward looking step by referring to the people in the 1948 General Election what is now Article XI-E of the Oregon Constitution. This is the forest rehabilitation bond measure, providing that 3/4 of 1% of the taxable value of the state would be the basis for issuance of general obligation bonds, funds from which would rehabilitate forest lands, those lands turned over to the state for timber management from the various counties.

The next significant action affecting the Board came in the 1951 Legislature, which by Chapter 559 of Oregon laws 1951 provided for forest labor camps.(This action is spoken of in some detail in the biographical material on Judge Reeder, first county official on the Board of Forestry. The biographical material follows).

The forest labor camps would be established by the Oregon State Board of Control (which consisted of the Governor, the State Treasurer and the Secretary of State). Such camps could be set up upon the recommendation of the Board of Forestry, and of course only one such camp was commissioned, that one in Tillamook County on the Wilson River. It continues to this day, and has been a successful and productive operation.

And by 1951, the state appropriated $1,189,695 to operate the Board of Forestry for the coming biennium, 1951-53.

The laws slowly evolved with the Board of Forestry as with other boards and commissions in Oregon, starting with very general statements and requirements, to specific. It must be remembered that the Board started with no set place to meet, no requirements of the number of meetings to be held annually, no requirement for reporting its activities, no annual report, no set term for appointed Board members, no payment for services, etc.

Changes started coming early in the 1950's. Chapter 68, Oregon laws 1953 finally required the Board to meet in the "...State Capitol building", and to meet in January, March, June and September of each year.

It was not until 1957, however, that the law set a term for members on the Board (4 years), and not until 1969 that the law provided a per diem for Board members ($20/day).

The 1955 Legislature upped the salary of the State Forester to $9500, and at the same time boosted the salary of the Governor to $15,000.

A major change in the make-up of the Board of Forestry came in 1957.

At that time, the Board was increased to 11 members, and for the first time, three members of the Board were made ex officio, non-voting.

The voting members were:

The Governor
The Dean of the School of Forestry at Oregon State College
and Five members active in the management of the forest products industry, and chosen from Congressional districts:

One from Congressional district #2
One from Congressional district #3, and
Three from Congressional Districts #1 and #4

One from the Association of Oregon Counties
One from the Farm Bureau, Oregon State Grange, or Farmers Union
One from the Western Oregon Livestock Association, Oregon Cattlemen's Association, and the Oregon Wool Growers

One from the Izaak Walton League, the Wildlife Federation, or the State Labor Council AFL-CIO

The Regional Forester of the United States Forest Service, the Administrator of the Bureau of Land Management, and the President of the Oregon Forest Fire Association became non-voting members.

And for the first time, as noted, the term for voting members was set at 4 years. The new Board actually was phased in over a 4 year period, with the law providing that existing members of the Board would continue until replaced.

The next major re-shuffling of the Board of Forestry came quickly. In just two years, the Legislature in 1959 enacted Chapter 571, Oregon laws 1959 (SB 195) and removed the Governor from the Board and from its chairmanship; provided that the Governor instead would appoint the chairman, replaced the Governor on the Board with another industry representative from Congressional districts #1 and #4; and provided that the Association of Oregon Industries also would be charged with the responsibility of recommending industry appointees.

Chapter 571 additionally provided that the Board would meet, not at the State Capitol building, but at the "...State Forestry Headquarters in Salem".

Separate from Chapter 571, but of great significance, was Chapter 141 of Oregon laws 1959 which for the first time provided that the State Forester would be in charge of management of state forest lands "...under the authority and direction of the State Board", but the responsibility of the State Forester and the Department was emerging until the Legislature would look to the Department as well as to the Board in forestry matters.

Changes in the official titles of some Board members brought about an adjustment by the 1963 Legislature in Chapter 63. By this action, the BLM representative on the Board became the "State Director of the Bureau of Land Management", and the Oregon Forest Fire Association representative became the President of the Oregon Forest Protection Association.

The most significant and far reaching action of the 1963 Legislature perhaps came in appropriation of funds for forestry. For the first time, the appropriation was made not to the Board of Forestry, but was made to the "...State Forestry Department". The appropriation was for all costs, capital outlays, etc., with a spending limit set at $7,753,950.

It was for the 1965 Legislature, however, to accomplish a major re-writing of the Forestry laws. Chapter 253 amended a full 93 Sections of ORS and repealed 24 Sections. The new law defined the State Forestry Department to "...consist of the State Forester, and his Deputy, assistants and employees, acting under the direction of the State Board of Forestry". The Board of Forestry account in the State Treasury was changed to the State Forestry Department Account. The Representative on the Board from the Western Pine Association was changed to one from the Western Wood Products Association, and all these changes were effective January 1, 1966.

Industry representation on the State Board of Forestry by Congressional Districts did not last long. It was set up in 1957, but by 1967 the re-shuffling came again. The Board remained the same size, 11 members voting with 3 advisory. Industry representatives, however, would come from three geographical areas of the state designated as areas 1, 2, and 3. Area 1 was set up as Western Oregon north of the northern boundary of Lane county. Area 2 was all Western Oregon south of the north boundary of Lane county. And Area 3 was all of Oregon east of the Cascade summit.

Of industry representatives, three members would come from Area 1: two members of the new Board would come from Area 2: and one member of the new Board from industry would be representing Area 3. Other representation on the Board remained the same.

With the 1969 Legislative Session three important actions were taken.

Chapter 428 of Oregon laws 1969 made the now-famous amendment to ORS 530.115, adding a new sub-section (2). This new sub-section was part of the litigation of the counties against the state which started in 1982. ORS 530.115 (2) provided that the counties would repay the cost of the rehabilitation bond money spent in each county. Counties understood the repayment to be the amount of money contributed by the state to the bond sinking fund, which retired the principal and interest of all the bonds. The counties had agreed to this during a 4 year period of negotiation, 1965 to 1969, in spite of the fact that the initial program for the general obligation bonds had no intent, nor mention that the counties were to repay. The bonds were general obligations of the state, and the money was used to rehabilitate forest lands to the benefit of the state, the resource, and the industry and jobs that would flow from this effort. The word "costs" in the language of the sub-section was interpreted by the Attorney General to mean not only repayment of the appropriations by the state to the bond sinking fund, but also to pay the lost interest to the state which might have been earned had the state invested the money. The issue was decided emphatically in favor of the county position in Marion Circuit Court in 1984, and the question is now on appeal to the Court of Appeals by the state. (1985).

The next action was in Chapter 314, Oregon laws 1969, as previously mentioned, and provided for the first time for a per diem to be paid Board of Forestry members. The per diem was established for all state Boards and commissions at $20/day.

The last of the three important actions of the 1969 Session came in Chapter 204, Oregon laws 1969. It removed from the Governor the responsibility for opening and closing the forests of the state to hunting, depending upon weather conditions, fire hazards, etc. The ticklish political decision was given to the State Forester, then J. E. "Ed" Schroeder. The first Governor, of course, to be free from the difficult position was Governor Tom McCall.

The decade of the 1970's was characterized by many legislative actions which impacted the Board of Forestry and the Forestry Department.

Most outstanding action came in passage of the Forest Practices Act in 1971. Chapter 316, Oregon laws 1971, culminated several years of intensive work and negotiation by industry, government and public interest groups. Enactment of the law was another "first" in natural resource and environmental areas for Oregon, and for industry.

The Act is nationally recognized and widely copied. The State by this law made a declaration of policy "...to encourage forest practices that maintain and enhance (such) benefits and resources, and that recognize varying forest conditions".

The law established Regional Forest Practices Committees (3) to set minimum standards for management (by rule) of five aspects of timber production and management: reforestation, road constuction, harvest, use of chemicals, and disposal of slash.

The law has generally had wide approval, and has accomplished its purpose, to improve forest operations for perpetuation of the resource and protection of the forest environment. It has been under attack, however, by environmental groups who charge that the law is not sufficiently explicit, nor of sufficent strength in control and in supervision of forestry to provide protection for fish, widllife, and water quality. Of interest is the fact that the law made no specific mention of recreation, or other of many forest uses and benefits, although it did speak to "social and economic" benefits of forests.

The 1973 Session, in Chapter 792, provided for the first time that appointments to the Board of Forestry would be subject to confirmation by the State Senate. The legislation, a lengthy document, applied to nearly all of the states' major boards and commissions.

The 1973 Session, probably reflecting the impetus for the Forest Practices Act in 1971, passed legislation placing two voting Public Members on the Board of Forestry. The Board then expanded to 13 voting members, with the 3 non-voting advisory members continuing. The action meant that for the first time, two members would vote as representing the broad public interest. The first two members so appointed were J.Wesley Sullivan, a Salem newsman, and Richard Abel of Portland, a magazine-book publisher-dealer.

The two new public members did not take office, however, until after the 1975 Legislature had met and corrected a mistake. Chapter 230 of Oregon Laws 1973 had added the two new members: however, Chapter 792 was enacted later to provide for Senate confirmation. The later bill merely amended existing law, and did not note the changes already enacted in Chapter 230. The effect was to cancel Chapter 230.

Senate Bill 5 of the 1975 Session corrected all this, and it became Chapter 94 of Oregon laws 1975.

Two other actions came in 1973 of importance. Chapter 184 provided for the first time that costs of fire protection both on grazing land and on timber land which are assessed against the owners, would be half of the costs of the Fire Protection District's Costs as approved in budgets. And of importance to counties and to the Department, Chapter 436 provided that revenues shared between the department and the counties would be distributed on a quarterly basis rather on a twice yearly basis as previously done.

1977 brought a major change in the manner in which counties distributed the county share of revenues from the forest lands. Chapter 840, Oregon laws 1977 set up the present scheme of handling of funds. The arrangement continued the practice of county government receiving the first of the proceeds "... which proceeds shall be not less than 10%" for administration and maintenance. Then came the new requirement: the next 25% of revenues received by a county would go into the county school fund. Remaining revenues would continue to go to taxing districts in which the lands were situated.

This was the first time in the history of the agreements between the state and the county that a change in management of revenues was done essentially without consent and consultation with the counties. The change was instituted in the closing two days of the 1977 Session, and county government had little notice and no time to react to the proposal. It stood unchallenged.

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The 1979 Legislative Session was mostly characterized by the infamous "Crabtree" proposal, which has been noted in a separate writing.

The 1979 Session also increased the size of the Board of Forestry to the largest number in its history, 18. The new members would come from persons recommended by the Oregon State Labor Council, AFL-CIO. That group would have its own members on the Board, rather than single member, or shared member. The first AFL-CIO labor council representative was Dewey Rand of Salem. When the 1979 Session provided for two from the Labor Council, those two were John Ball and George Casseday.

The final legislative action dealing with the Board of Forestry to 1985 came in the 1983 Session. Chapter 759 restructured the Board. It was the effort mostly of Senator Charles Hanlon who represents Washington, Columbia, and Clatsop counties. Senator Hanlon had long argued that industry carried too much influence on the Board, with too much opportunity for conflict of interest. Attempts in previous sessions to restrict the industry representation had failed, as had an attempt through an initiative petition. Finally, in the closing days of the 1983 Session, Senator Hanlon was able to add the new concept of a Board of Forestry to an existing House Bill, HB 2185, which had already passed the House before coming to the Senate. The Bill started out in the House providing penalties for violations of the Forest Practices Act, among other items. A new Sec. 6 was added by Senator Hanlon, and the Board was changed.

The new Board was restricted to 9 voting members, only three of which would be from industry. The three industry members would be named, one each from the three Forest Practices Act Regions. Of the remaining 6 members who were voting members on the Board, one each would come from the Association of Oregon Counties, the Labor Council AFL-CIO, Agriculture groups, the Small Woodland Operators, conservation groups, and the public.

And for the first time a major change came in naming the Dean of the School of Forestry at Oregon State University as an advisory non-voting member, away from the strong position that person had held since the Board was formed in 1907. It was in fact the position of a voting member of longest standing on the Board.

The Regional Supervisor of the United States Forest Service, and the State Director of the Bureau of Land Management would continue as advisory members. The representative from the Forest Protection Association was dropped from the Board.

The change to the newly structured Board took place January 1, 1984. A new voting mix was established, although the representatives of Industry were of nearly the same strength as on previous Boards. Where Industry had 6 voting members on a 15 member Board (40%), the new Board provided 3 Industry voting members out of 9 (33 1/3%). New Chairman of the Board became John Ball, continuing to represent the Oregon Labor Council AFL-CIO. The other continuing member was Bob Harris, representing the Conservation groups. Ken Self, a public member, and John Shelk were actually appointed to the Board in 1983, but started serving in 1984 with the other members. The Industry members besides Shelk who represents Region 3, are Ehrman Giustina from Eugene for Region 1, and S. V. McQueen from Medford for Region 2. Shelk is from Prineville.

Others on the newly constituted Board of Forestry are Carol Williams of Tillamook, representing the Associaton of Oregon Counties, and Bryan Wolfe of Hermiston, who represents the Agricultural groups.

So, after 78 years of a "State Board of Forestry", there have been 132 members, including 16 Governors, all of whom, of course served as Chairman of the Board. Five Deans of Forestry at Oregon State University have served, including George Peavy, E.G.Mason, Paul Dunn, W.F. McCulloch, and Carl F. Stoltenberg who was the only one to serve as Chairman of the Board. Eight county officials, including two county Judges have been members of the Board since county representation became in 1943.(Biographical sketches follow).

In the long history of Boards and Commissions form of government in Oregon, the State Board of Forestry has ranked near the top as one of the most prestigious groups. To be appointed to the Board of Forestry, as to Higher Education, Highway Commission (now Transportation Commission) and later to the Environmental Quality Commission was one of the best of peer recognitions for Oregon citizens. The actions and contributions of all Boards and Commissions have been of great importance to the long record of good government in Oregon. Of deserved recognition in that record is the State Board of Forestry.